

**CITY OF WESTMINSTER, MARYLAND
MAYOR AND COMMON COUNCIL MEETING
NOVEMBER 22, 2010**

QUORUM:

A meeting of the Mayor and Common Council was held in the Council Chambers at City Hall, 1838 Emerald Hill Lane, Westminster, Maryland on the evening of November 8, 2010, at 7:00 P.M. Mayor Utz; Council President Halstad; Council Members Albert, Chiavacci, Pecoraro, and Wack; City Administrator and Acting City Clerk Wolf, Acting City Treasurer Ehlers; Chief of Police Spaulding, Director of Planning, Zoning, and Development Beyard, Director of Public Works Glass, Director of Recreation and Parks Schroers; and City Attorney Levan were present.

MINUTES:

Upon motion of Mr. Chiavacci, seconded by Mr. Pecoraro and unanimously passed, the minutes of the Council meeting of November 8, 2010 were approved.

CONSENT CALENDAR:

Dr. Wack moved to approve the Consent Calendar, which consisted of the approval of the October Departmental Operating Reports and the Change Order for the Gesell Well. Mrs. Albert seconded the motion and it passed unanimously.

REPORT FROM THE MAYOR:

Mayor Utz reported that on November 12th he visited the fourth grade class at Charles Carroll Elementary School for Municipal Government Works Month to promote the Maryland Municipal League's annual "If I were the Mayor I would..." essay contest, as well as discuss how the City of Westminster operates. He attended the grand opening and ribbon cutting ceremony at Dick's Sporting Goods on November 14th at the Town Mall of Westminster. He also reported that he recently met with the Carroll Art Center executive board to discuss issues that were brought to his attention. Finally, Mayor Utz thanked the staff and the volunteers for all the work they have done getting ready for the Electric Holiday Parade. He stated that a lot of good can come out of an idea that started two years ago and the City is planning for an even better turn out than last year.

REPORTS FROM STANDING COMMITTEES:

Mr. Pecoraro noted that in the new issue of Carroll Magazine, there is a nice feature on Dr. Casey's visit to Main Street and the growing relationship between McDaniel College and the City of Westminster. He also stated that, in the magazine, there is a beautiful picture of Belle Grove Square and an article about the neighborhood as the focus of this year's Holiday House Tour. Mr. Pecoraro extended his wishes that everyone have a

happy Thanksgiving.

Mr. Chiavacci stated that he recently attended a meeting with the County's Recreation and Parks Department and the Carroll County Environmental Advisory Committee. He reported that the County is going to be installing a stormwater management pond system behind East Middle School. He stated that new pond will catch the runoff from Route 140, the parking lots, and the businesses that are currently going untreated or not treated as well as they should be. He explained that they will be tearing out track and playing fields behind the school and replacing them with a nice-looking walking trail that will weave through a series of four ponds. The playing fields will be rebuilt just up from where the current fields are located; therefore there will be no loss in field space, which was a major concern of the recreation leagues. He feels that the citizens will really be able to take advantage of these trails which could possibly, in the future, be tied in with the City's other trail systems. He added that they are hoping to start construction either late 2011 or early 2012 as long as funding is available, to which the City not be contributing.

Dr. Wack reported the City's audit is completed and has been submitted to the State. He acknowledged that this is the earliest in a long time that the City has been able to finish, largely due to the hard work in the Finance Department, Mr. Ehlers, and Ms. Wolf. He also reported that they are finally starting to see some dividends from the improved financial accounting software, which is helping to speed up the operations. He stated that they are undertaking a fairly significant reorganization of the Finance Department with looking at reassigning several functions to take advantage of the software, as well as improve the operations of the department. Finally, he reported that the MuniCast software, which was voted to acquire at the previous meeting, will hopefully be the final piece of software necessary to generate monthly reports that will give better management tools for streamlining and improving the efficiency and effectiveness of the City. He added that this software has a very robust forecasting function, so that the City would be able to move toward multiyear budgets and have the ability to model the effects of decisions.

President Halstad reported that Dick's Sporting Goods is a nice big addition to the commercial world in Westminster. He also reported that Jos. A. Banks is under construction and should be opened by February. Finally, he reiterated that the Historic Holiday House Tour is Saturday, December 11th on Belle Grove Square.

ORDINANCES & RESOLUTIONS:

Mr. Chiavacci motioned to adopt Ordinance No. 817 – Approval of Sectional Zoning Map Amendment No. SMA 10-2 and Accompanying Written Decision – “Tri-Street Area Arts and Culture Neighborhood” and Dr. Wack seconded.

Mr. Beyard informed the Mayor and Common Council that no changes have been made to Ordinance No. 817 since being introduced at the November 8th meeting.

Mr. Pecoraro stated that this ordinance is part of an ongoing process as the City works to improve conditions in the Tri-Street Area, which includes Pennsylvania Avenue., Union Street and East Main Street. He explained that the Arts and Culture Task Force was organized as a recommendation of the Tri-Street Area Advisory Committee to look at how the City could develop a neighborhood around the college that would encourage arts and culture activities, including increased partnerships with McDaniel College, the Carroll Arts Center, and resident artists. Mr. Pecoraro thanked Councilwoman Albert and the other members of the Task Force who were part of the efforts to follow along with the Tri-Street Area Advisory Committee's recommendation.

With a motion and a second on the floor, Ordinance No. 817 – Approval of Sectional Zoning Map Amendment No. SMA 10-2 and Accompanying Written Decision – “Tri-Street Area Arts and Culture Neighborhood” was unanimously adopted.

President Halstad stated that the Mayor and Common Council were presented with several options regarding Ordinance No. 818 – Approval of Sectional Zoning Map Amendment No. SMA 10-1 and Accompanying Written Decision – “Belle Grove Square Neighborhood and Willis Street Neighborhood,” which included several versions and alternatives.

Mr. Beyard stated that the commonality between all of the ordinances was that the areas of both Willis Street and Belle Grove Square have changed. He explained that when the original application was filed, the Willis Street area consisted of 18 acres, but as a result of the public hearing, Parcel 1162 located at 111 Longwell Avenue will be excluded and the properties known as 45, 49, and 51 North Court Street will be added; therefore, the net acreage for Willis Street will change to 18.45 acres. He went further to say that the original Belle Grove Square area was 5.8 acres, but the City was asked to include the entire area of the Belle Grove Square Neighborhood Association, Inc. area, which is 7.68 acres. Mr. Beyard stated that the City was able to come up with several options for the Mayor and Common Council to discuss. Ordinance No. 818 (amended version one) is identical to the ordinance introduced with the exception of the acreage changes. The written decision and maps would also reflect those changes. Ordinance No. 818 (amended version two) would be strictly for Belle Grove Square, reflecting the entire 7.68 acres of the area. The written decision, maps, and ordinance would address Belle Grove Square only. Ordinance No. 823 would be strictly for Willis Street and takes into account the 18.45 acres.

Mr. Pecoraro recognized that as a result of the public hearing and citizens' concerns, the City held an informational session regarding Ordinance No. 818. He questioned how the session went and whether they were able to address the concerns the residents expressed at the meeting about their ability to be able to take care of their property and make changes to their landscaping or painting their homes.

Mr. Beyard reported that the City sent a letter to the residents on Willis Street which included a summary of the ordinance, as well as frequently asked questions. Approximately 40 to 45 people attended the informational session. He felt the session

was very helpful and they received a lot of good feedback.

President Halstad requested that the Mayor and Common Council make a decision as to which version they would like to move forward with. Dr. Wack motioned to adopt Ordinance No. 818 (amended version one) – Approval of Sectional Zoning Map Amendment No. SMA 10-1 and Accompanying Written Decision – “Belle Grove Square Neighborhood and Willis Street Neighborhood” and Mr. Chiavacci seconded.

Dr. Wack stated that he greatly appreciated everyone making the effort to weigh in on this proposed zoning change and provide input to the Mayor and Common Council. He understood why the neighborhood would want to try and defuse some of the divisiveness, but the problem is, at the end of the day, the Mayor and Common Council are going to have to make a decision and that decision is going to displease some people. The bad feelings are going to be there whether the decision is made now, in two weeks, or two months from now because people feel very strongly about this and he does not sense that there is a lot of movement. For the most part, he feels that the positions have solidified. Dr. Wack also commented on the issue that several people who live on Willis are on the Common Council and should recuse themselves. He pointed out that City Attorney Levan had explained at the previous meeting that if they did that, they would not have enough for a quorum. The Common Council would not be able to do its business. He explained that another issue is that it is a small neighborhood so there are many intertwining relationships and commitments-social, financial, and professional. There is no way to untangle it all so they have to consider this on its merits as what is good for the City of Westminster; not necessarily what is good for Willis Street or any particular citizen.

Dr. Wack continued by saying that there is a small group of people that he senses are not totally sure what this ordinance means. He explained that people have changed their minds in the past couple of weeks to be in support of the ordinance. He has not talked with anyone who was in support, heard more information, and then changed their mind to go against the ordinance. He feels that originally there was an even balance of people for or against it, but now there is a preponderance of people that are in support of it. Dr. Wack stated that the opposition breaks down into three groups: those who do not understand, those who opposed any restrictions on the use of private property, and those who feel that existing procedures can preserve the neighborhood character without restricting the uses of the property. However, he explained that at the end of the day, the process of commercialization, once it starts, cannot be undone. He went on to say that to rely on an ad-hoc approach, where they are going to consider each situation on a case by case basis, allows for the possibility that this could get away from them in the future. Once the sufficient properties on Willis Street are commercialized, it will no longer be a residential neighborhood. That is why the Mayor and Common Council are taking this action, to make sure that they never have to face that problem.

Dr. Wack continued by saying that some people have argued that this proposed zoning change is going to adversely affect the value of their property, but that can be argued both ways. If their goal is to make the absolute highest amount of money from their

property as possible, there are some commercial uses for which they could probably get more money for their property. However, for those people that do not chose to pursue that and chose to maintain their property as a residential property, the commercialization of some properties will adversely affect the values of the remaining residential properties. So, to maintain the value of residential properties for everybody, there has to be other restrictions in place, otherwise some win and some lose and the residential character of the neighborhood is lost. Dr. Wack concluded by saying that they have done a pretty good job soliciting the input from the community and, in return, the community has done an outstanding job of responding. He feels that all sides have been heard, there is no value in putting this off any longer, and he is prepared to move forward.

Mr. Pecoraro added that when looking back at what the Mayor and Common Council has been doing over the past fifteen years or so, he believes the constant theme in their actions has been to try and preserve the historic character of the town in a way that benefits its citizens and makes it attractive to others that might like to visit, especially with working to preserve Main Street. The City has taken steps to make sure that Westminster remains a livable community that retains its values on its historic properties. He stated that years ago, the City created the Historic District Commission. Other communities have given their Historic District Commission tremendous power of the people's properties and allowed them to dictate what the property can look like; including what type of changes can and cannot be made to them. The City of Westminster chose not to go that route and instead used the Commission to define a part of the town that was considered historic and have value to it, and then have the Commission members educate residents and provide them access to public funding or tax breaks so they themselves could try to maintain the historical character of those homes.

Mr. Pecoraro stated that at this point and time, as the City continues to develop, the most vulnerable historic neighborhoods are in fact vulnerable; they are at risk of creeping commercialization. He feels that has been the drive behind the proposed zoning changes with taking one more step in trying to protect those properties. He explained that the City has taken great care to make sure people understand that they still can largely do what they want to their properties to take care of them, maintain them, and to give them the character that they want them to have, while maintaining these homes as part of a residential community. All that will change is that those who live in those homes can take comfort in the fact that today, tomorrow, and years ahead, they can continue to live in a residential community that is going to retain the character that it has today. Mr. Pecoraro concluded by saying that he continues to support the overlay and moving forward is the right thing to do.

Mrs. Albert stated that she plans to continue to live on the corner of Willis and Center Streets where she has important friendships. She explained that the pros and the cons heard from the residents regarding the proposed zoning change appeared to have had a polarizing affect on the neighborhood and it is unsettling. She feels that the Mayor and Common Council have not heard all of the homeowner's opinions and, therefore, in

order to stay objective, she plans to abstain from voting for the ordinance as it applies to Willis Street.

Mr. Chiavacci stated that he originally thought that the zoning change was going to be an easy decision since he felt it would be what everyone would want and easy to do, but later found that both sides had very strong opinions. He explained that even though there have been good arguments, it comes down to what the City wants to do in terms of preservation and ensuring that the street stays the way it always has. Mr. Chiavacci stated that the Mayor and Common Council represent the entire City of Westminster, not just Willis Street, so he spent hours on the phone and visiting people outside of Willis Street to get their opinions and feelings on the ordinance. He explained that he could not find a single person that did not think it was not an excellent idea to protect the street and make sure it does not go commercial. He concluded by saying that it has not been an easy decision and he knows his neighbors are not going to be pleased with the fact that he supports the ordinance, but he needs to do the right thing.

President Halstad stated that there has been a lot of emotion on the issue and he feels that everyone needs to deal in the facts. He explained that the homes on Willis Street will not double in value just because its commercial, but more people are going to be interested in it and that is how creeping commercialization starts. He feels that the ordinance will formalize the status quo and save everyone a lot of time and money down the road should someone want to pursue a commercial use. He feels his kids will have a lot of memories with that type of life. President Halstad sensed that everyone has enjoyed that kind of life on Willis Street and are not ready to see that change. He concluded by saying that he strongly supports the overlay and feels that they should move forward with Belle Grove Square and Willis Street on the ordinance.

With a motion and a second on the floor, Ordinance No. 818 (amended version one) – Approval of Sectional Zoning Map Amendment No. SMA 10-1 and Accompanying Written Decision – “Belle Grove Square Neighborhood and Willis Street Neighborhood” was adopted by a 4-1 vote with Mrs. Albert abstaining.

Dr. Wack motioned to adopt Ordinance No. 821 – Repeal Current Chapter 83 of the City Code and Re-Enact New Chapter 83 – State of Maryland Model Floodplain Ordinance. After Mr. Beyard stated that there were no changes to the ordinance since introduction, Dr. Wack seconded and Ordinance No. 821 was unanimously adopted.

UNFINISHED BUSINESS:

None as of November 19, 2010

NEW BUSINESS:

Mr. Glass reported the intent to purchase a large scale snow blower to be utilized at the Wastewater Treatment Plant, Pumping Stations and related sewer infrastructure for snow and ice control. He added that the plow will be an attachment for some of the existing equipment that is utilized for bio-solids applications on farm fields. He stated that they received three quotes for equipment similar in nature, with the most reasonable being from Schulte at \$22,363.25. He explained that they have not intended to spend that much; however, this piece of equipment is in the same budget line item as other equipment that can make up for the shortfalls in the pricing difference. He noted that the Variable Frequency Drives (VFD), with the advancements in technology, are now much more economical and he feels that they will have enough money to replace them, as well as purchase the new snow plow.

Mayor Utz stated that he supports the purchase of this snow plow and feels that the back-up capacity of this unit would definitely support the downtown businesses should it be needed.

Mr. Pecoraro questioned the portability of the unit.

Mr. Glass responded that there would be no problem getting from the Wastewater Treatment Plant to wherever it needs to go since it would mount to the front of the agriculture tractor and possibly blow the snow as it would progress from area to area.

Mr. Pecoraro moved to approve the recommendation to purchase the snow blower from Schulte in the amount of \$22,363.25. Mrs. Albert seconded the motion and it passed unanimously.

DEPARTMENT REPORTS:

Ms. Wolf announced that even though the Fire Department was unable to attend the meeting, they send their wishes to all for a happy Thanksgiving. She reported that the City received the long-awaited letter from the Maryland Department of the Environment that gives the City the release of the last 39,000 gallons per day of water that is in the system. She added that this does not give any water for growth, but it will cover anyone that has had plans in place. She stated that in that same letter, they requested additional production data on Roops Mill. Once they receive the data and analyzed it, they will get back to the City with an approved permit for the well. Ms. Wolf also reported that the December 13th televised meeting of the Mayor and Common Council will be held at the John Street Quarters. She explained that at this meeting, the Fallfest charities will be receiving their checks and the Electric Holiday Parade winners will be announced. She added that newly elected County Commissioner Dave Roush has been

invited to address the Mayor and Common Council at the meeting.

Chief Spaulding reported that the department will be having their annual holiday party on December 5th. He invited the Mayor and Common Council to stop by to say hello and thank the troops. Chief Spaulding announced that on December 11th at 7:30 pm, they will be having their 7th annual Shop With A Cop event at the Walmart in Westminster. He explained that this year they will be sponsoring 11 new families and 24 new children in the program. He added that over the life of the program in Westminster, they have provided nearly 80 families and 160 children from the community with a truly memorable Christmas holiday. He continued to say that once the shopping at Walmart is completed, they will move to the Senior Citizen Center on Stoner Avenue for gift wrapping, party, and gift distribution to the families. Chief Spaulding recognized Dr. Wack and his family for participating in the event for the past several years. He concluded by saying that this is a wonderful and meaningful event and invited all to attend.

Mr. Ehlers thanked Councilmen Wack and Pecoraro for their kind words on the audit and the effort that the Finance Department put into the process.

Mr. Beyard started off by wishing everyone a happy Thanksgiving and a safe start to the holiday season. He reported that they have done a lot of work and still a lot more to do in preparing for the distribution of the water that the City will have in the future. He stated that the next project down the road is the Gesell Well, but there is plenty of time beforehand to educate about what needs to be done.

Mr. Glass did not have a report, but wished everyone a happy Thanksgiving.

Mr. Schroers thanked the Mayor for his kind words on the parade event. He reminded those in attendance that Miracle on Main Street and the Electric Holiday Parade is November 27th. He stated that Westminster should be proud of these events which will have a few traditions coming back to the City and some new surprises. Mr. Schroers explained that with the idea of the electric parade becoming a reality last year, the Westminster Recreation and Parks Department and the Westminster Lion's Club resurrected the Santa's Treat event. He thanked Ms. Graham for doing a great job spearheading a lot of stuff to make sure the event is possible.

Lori Graham of 118 Pennsylvania Avenue reiterated that the staff has been absolutely amazing. She recognized the Street Department's Superintendent Larry Bloom, Mr. Schroers, and Lieutenant Tony Ott of the Westminster Police Department. She stated that they have studied the traffic plan for this year with the goal of making that plan something that could even be used in case of an emergency situation in downtown Westminster. Ms. Graham reported that parade spectators can expect to see dogs, horses, and floats with running water, lots of lights, and lots of kids. She expressed her hopes that the citizens of Westminster will come out and support the day. She stated that it is a day to help everything in the community. She reported that the parade starts at 5:00 pm which will be followed by the tree lighting at Locust Lane and Santa's Treat

at 6:00 pm.

CITIZEN COMMENTS:

Rebecca Orenstein of 64 Pennsylvania Avenue thanked Mr. Chiavacci for his report on the naturalization ponds that will be coming behind East Middle School. She stated that she has always wanted to naturalize the pond that is on Winters Alley, adjacent to Dutterer's Park. She reminded the Mayor and Common Council that at the last meeting she mentioned about sponsoring a Reggae and Blues festival, but she is now thinking that it should be more of a Rhythm and Blues festival, so that Jazz can be included. She thanked Mr. Chiavacci for contacting Mr. Schroers regarding this event. Mrs. Orenstein also thanked Councilmen Pecoraro, Wack, and Chiavacci, and President Halstad for voting for the ordinances that deal with the protection of the City of Westminster. She stated that she understands that it takes a lot of courage to make those decisions with zoning and it comes from deep caring. She, on behalf of the residents of Pennsylvania Avenue, recognized Ms. Graham for the work she does for the City and added that they are very proud of her on the street.

Russell Myers of 56 Webster Street and the Western Maryland District Commander for the American Legion thanked the City for all the services provided for the veterans throughout the year. He also stated that he is a counselor at an at-risk youth camp that is run by the American Legion during the summer in Smithsburg, Maryland. He explained that it is a free camp for 9 to 12 year old at-risk boys from Carroll, Frederick, and Washington Counties. He request that if anyone knows an at-risk youth boy to please contact him.

Dr. Wack thanked Mr. Myers for everything that he does for the veterans. He added that every event that he attends, Mr. Myers is there running the event or helping. Dr. Wack emphasized the importance of having leaders in those organizations that are going to be there for a long time.

ADJOURN:

Council President Halstad adjourned the meeting at 8:08 PM.

Respectfully Submitted,

Elizabeth L. Fahey